REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

ON THE AUDIT AND APPROPRIATION ACCOUNTS OF 1112.

Mr. M. Govinda Pillai : I beg to move that the *Report of the Public Accounts Committee on the audit and the appropriation of accounts of the year 1112 may now be taken up for consideration.

The Report was adopted.

Legislative Business

Mr. Puthupalli S. Krishna Pillai : I beg to move that Messrs. Padiyara Joseph Kunju, M. Sultan Muhiadheen and Kottoor Kunjukrishna Pillai be nominated members of the Joint Committee on the Travancore District Municipalities Bill in the place of Messrs. R. V. Thomas, K. M. Korah and K. R. Elenkath.

Mr. P Paramesvaran Pillai : I second it.

The motion was put and carried.

THE TRAVANCORE WORKMENS' COMPENSATION BILL.

Mr. Puthupalli S. Krishna Pillai: I move that the Travancore Workmen's Compensation Bill† as passed by the Assembly be taken into consideration.

Mr. P. Paramesvaran Pillai : I second it.

Mr. P. N. Krishna Pillai (*Nominated for the Labour Bills*) : I have great pleasure to support the general principles of this beneficient measure that has been moved by the Legal Remembrancer. All that I have to say is that this measure was long overdue. The Act similar to the one presented before the House came into force in British India as early as 1923. It is gratifying to find that the same law is working successfully and smoothly in Federated Malaya States and certain other Native States in India like Baroda and Cochin. The working of this Act till now in British India and other Indian States I am told is on successful lines in spite of the small number of litigation that has arisen. From the latest Administration Report of Baroda State I find that the Act has worked successfully in that State and a sum of Rs. 7000 was disbursed as compensation to the various workmen and their dependents who

* *Vide* Annexure II—

† *Vide* Annexure III.

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[Mr. P. N. Krishna Pillai]

were entitled to get it under the provisions of this Act. Sir, though this Bill was introduced in our Legislature some four years back it is regrettable that it has emerged from the Lower House only now. Anyhow I would first of all appeal to the House to have this Bill passed without any delay so that its beneficient effect may accrue to the thousands of workmen in the State.

A few words more about the principle of the Bill and I shall be done. The principle is that he who introduces some industry involving risk is held civily liable for certain risks attendant on the business. In the case of workmen's compensation there is no question of negligence or fault on the part of the employer or the employee. This is the simple principle of the Workmen's Compensation Bill and I am glad to find that various amendments which were brought forward in British Indian Legislatures as a result of the recommendations of the Royal Commission on Labour are incorporated in the present bill before this House. It is also gratifying to find that the definition of workmen has been extended and is more wide than the definition obtaining in the Factories Regulation. None the less I have to point out that certain persons coming naturally and legitimately in the category of workmen could not be styled as such and do not come within the ambit of the definition. Sir I am afraid that all the deserving workers have not been brought within the scope of of this legislation. For instance, there is the Motor Boat industry and the workers in that industry who are subjected to certain risks in the course of running the business should also be protected and must be brought under the provisions of this Bill. In the actual working of this Act, we may find several kinds of workmen who can naturally be included within the ambit of the definition of a worker. I hope that the power vested in Government will be invoked so as to include all deserving workmen under the Workmen's Compensation Act. One of the draw-backs of the Indian Act, as was pointed out in the Indian Legislature when it was moved, was that there existed no provision to make for employer's liability to pay for all sort of works. The Employers' liability Act was passed in England as early as 1880. Certain provisions from that Act were included in the Bill when it was introduced in the Indian Legislature but they were deleted further by the Joint Select Committee that went into the matter. But the Royal Commission on Labour in their majority report has pointed out that the Employer's Liability provisions should be incorporated so that the employer may not put forth his defence of common employment and assumed risk. With these few observations I have great pleasure to support the general principles of the Bill.

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President : The question before the House is that the Travancore Workmen's Compensation Bill as passed by the Assembly be taken into consideration.

The motion was put and carried.

Clause 1.

The question that Clause 1 do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 2.

The question that Clause 2 do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 3.

Mr. Kottur Kunjukrishna Pillai : I oppose the moving of the amendment. I find from the notice given that an amendment has been given notice of by Mr. P. N. Krishna Pillai on the 14th February. According to the rules six clear days are necessary for giving notice of an amendment. Without the special permission of the Chair that amendment could not be moved.

Mr. P. N. Krishna Pillai : May I suggest the circumstances under which the notice of an amendment was given on the 14th February. I got a copy of the Bill only last Saturday and as such I had not sufficient time to study the Bill.

President : I quite realise the member's difficulty. But in view especially to the observations which he let fall, in carrying such an amendment the Bill will have to be sent back to the Assembly which might mean some delay for various reasons. I do not want to say more on that matter. I leave it to the honourable member to decide it.

Mr. P. N. Krishna Pillai : The technical defect having been waived I quite appreciate the sentiments expressed by the Chair. This is an amendment which I gave notice of simply to bring the provisions of the Bill in conformity with the majority recommendation of the Royal Commission on Labour and also to bring them in conformity with the provisions of the English Law. None the less seeing that it may entail delay, I withdraw the amendment.

Clause 3.

The question that Clause 3 do form part of the Bill was put and carried.

The clause was added to the Bill.

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Clauses 4 to 39

The question that clauses 4 to 39 do form part of the Bill was put and carried.

The clauses were added to the Bill.

Schedule.

The question that the schedule do form part of the Bill was put and carried.

The schedule was added to the Bill.

Preamble.

The question that the preamble do form part of the Bill was put and carried.

The preamble was added to the Bill.

Title.

The question that the title do form part of the Bill was put and carried.

The title was added to the Bill.

Mr. Puthupalli S. Krishna Pillai: Sir, I beg to move that the Travancore Workmen's Compensation Bill be passed.

Mr. P. Paramesvaran Pillai: I second it.

Mr. P. N. Krishna Pillai: While congratulating the honourable member for passing this Bill I have to offer a few words. This is the last of a series of labour Bills that have been brought by the Government before this House and I am glad to see that three of them have become law in this land. I hope this also will be enforced soon and the necessary machinery will be soon made to move so that the Act may be able to work satisfactorily in the country. Though the Factories Regulation has come into force, I am sorry to say that, I have myself come across factories in which the provisions of the Regulation have been violated. There are factories even now which are working for more than 12 hours a day. That is simply because the machinery contemplated under the Act has not been devised for the proper administration of the Regulation. I am sorry to say that even in factories owned by members of the Legislature work is being carried on for more than 12 hours a day. As members of the Legislature it cannot be said that they are unaware of the provisions of the Bill.

President: But what about the deligence of the honourable member himself.

Mr. P. N. Krishna Pillai: I am bringing this fact to the notice of Government. It is only in certain cases that I come across such gross violations of law.

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Mr. Kottur Kunjukrishna Pillai : May I know Sir, how all this is relevant at the third reading of the Bill?

President : Before passing the Bill, the honourable member apparently wants certain general considerations to be borne in mind That, I think is the idea of the honourable member.

Mr. P. N. Krishna Pillai : That is exactly my idea.

Another point which I want to stress is this. This should not be the last of a series of labor Bills. It should be followed by other Bills which are of urgent necessity in this country like Payment of Wages Act which have come into force in British India. While pointing out that there is urgent necessity for other labour legislation and that those measures should be administered effectively to the benefit of the people, I have great pleasure in congratulating the honourable members of this House in passing this Bill.

The question that the Bill be passed was put and carried.

THE TRAVANCORE MARKETS REGULATION AMENDMENT BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to move that the Travancore Markets Regulation Amendment Bill* as passed by the Assembly be taken up for consideration.

Mr. P. Paramesvaran Pillai : I second it.

The motion was put and carried.

Clause 1.

The question that clause 1 do form part of the Bill was put and carried.

The clause was added to the Bill.

Mr. James Fletcher : Sir, I beg to move that from the new sub-section 3 of Section 28 of the Regulation the words "or by the Division Peishkar" be deleted. Sub-section (3) of section 28 reads now as follows :

"There shall be no appeal from the decision or order passed in appeal by the Land Revenue and Income Tax Commissioner or by the Division Peishkar." According to the Amendment, the appellate authority will be the Land Revenue and Income Tax Commissioner ordinarily and I would suggest that the words "or by the Division Peishkar" be deleted so that there may be only one appellate authority so far as orders regarding the Markets Regulation are concerned. This provision is necessitated by Section 27 of the Regulation which reads as follows:

"Our Government, may, by notification in our Government Gazette authorise any officer by name or by virtue of his office to exercise all or any of the powers conferred on a Division Peishkar

* Vide Annexure IV.

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